

**EIGHTY-EIGHTH DAY**

(Monday, June 19, 1939)

The Senate met at 9:50 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 15, 1939, was dispensed with and the Journal was approved.

**Motion to Take Up House Bill 792**

Senator Cotten moved that Senate Rule 11b be suspended in order that he might move at this time that the regular order of business be suspended and H. B. No. 792 (the butane gas bill) be laid before the Senate on its second reading and passage to third reading.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—14

Aikin	Lanning
Collie	Metcalf
Cotten	Pace
Graves	Shivers
Hardin	Van Zandt
Isbell	Weinert
Kelley	Winfield

Nays—11

Brownlee	Head
Burns	Hill

Martin  
Moffett  
Moore  
Roberts  
Small

Stone  
of Galveston  
Stone  
of Washington

Absent

Beck  
Lemens  
Nelson

Redditt  
Spears  
Sulak

**Report of Conference Committee  
on House Bill 933**

Senator Aikin submitted at this time the following report of the Conference Committee on H. B. No. 933:

Committee Room,  
Austin, Texas,  
June 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives;

Hon. Coke R. Stevenson, President of the Senate.

Sirs: We, your conference committee, appointed to adjust the differences between the two houses on House Bill No. 933, have had the same under consideration and beg leave to report same back with the recommendation that said House Bill No. 933 do pass in the form attached hereto.

Respectfully submitted,

MORRIS,  
HARRIS,  
SMITH of Hopkins,  
SCHUENEMANN,  
LONDON,

On the part of the House.

VAN ZANDT,  
AIKIN,  
STONE of Washington,  
ISEBELL,  
WINFIELD,

On the part of the Senate.

House Bill No. 933.

By Alsup and Thornton.

A BILL

TO BE ENTITLED

An Act appropriating Six Million, Eight Hundred Twenty-Five Thousand, Eight Hundred Twenty-Seven (\$6,825,827.00) Dollars per year, or so much thereof as may be necessary, for the biennium beginning September 1, 1939, and ending August 31, 1941, for the purpose of promoting public school

interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State; providing for the allotment and expenditure by the State Superintendent of Public Instruction of such funds under the direction and advice of a Joint Legislative Advisory Committee; providing for the transfer of unexpended balances for the year ending August 31, 1940, to the appropriation for the year ending August 31, 1941; attaching conditions, regulations, and limitations relative to the expenditure of such appropriations; providing that schools with certain scholastic population, schools with certain consolidations and schools within certain defined areas may be eligible for aid under the terms of this Act under certain limitations; providing that schools within two and one-half ( $2\frac{1}{2}$ ) miles of each other should not receive aid; providing for a teacher-pupil load for schools receiving aid under the provisions of this Act; providing for average daily attendance for schools receiving aid under the provisions of this Act; providing for certain tax levies for schools receiving aid under the provisions of this Act; providing certain salary schedules as set out by the terms of this Act; providing for length of terms of schools receiving aid under the provisions of this Act; providing the method and manner of paying high school tuition and that same shall be paid according to the provisions of House Bill 158, General Laws of the Regular Session, Forty-Fourth Legislature, as amended; providing a method of paying high school tuition for high school students transferred from Waco State Home and the school district in which the State Training School for Boys is located; making special provision for school districts containing National Forests or University lands; exempting school attended by Alabama Indians in Polk County from tax provisions; providing for a system of transportation aid in Texas and the method and manner of paying for same; providing for the administrative costs of administering this Act and making certain allocations therefor; providing for the powers of the State Superintendent of Public Instruction and the Joint Legislative Ad-

visory Committee relating to the administration of this Act; providing the method and manner of making application for aid and declaring that all applications so made shall be paid only on the basis of budgetary need shown therefor; defining sparsely settled districts; providing the method and manner of disbursing the allocations herein made; providing for certain miscellaneous provisions; providing the method and manner of reducing applications for aid; granting the Joint Legislative Advisory Committee certain other powers and duties; declaring that should any power or duty of said committee become inoperative or unperformable for any purpose that said duties or powers shall be performed by the State Board of Education; providing for the method and manner of paying certain exceptions to the general law granting salaries, tuition or transportation aid; providing for certain duties of the State Auditor; providing for the method and manner of payment for such services; providing for the payment of the actual necessary expenses of the Committee created herein and that same shall be paid out of the contingent expense of the Forty-Sixth Legislature; repealing all laws or parts of laws in conflict herewith; providing for a savings clause, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Appropriation. For the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, there is hereby appropriated out of the General Revenue Fund Six Million, Eight Hundred Twenty-Five Thousand, Eight Hundred Twenty-Seven (\$6,825,827.00) Dollars, or so much thereof as may be necessary for the school year ending August 31, 1940, and Six Million, Eight Hundred Twenty-Five Thousand, Eight Hundred Twenty-Seven (\$6,825,827.00) Dollars, or so much thereof as may be necessary for the school year ending August 31, 1941; to be allotted and expended by the State Superintendent of Public Instruction through the Director of Equalization in the State Department of Education and under the su-

pervision and advice of a special Joint Legislative Advisory Committee composed of the following members: five members of the Senate to be appointed by the President of the Senate and five members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Said committee shall promptly organize and select from its membership a chairman and a secretary and keep a permanent record of its proceedings and shall vote as a unit on all propositions coming before it for consideration. In addition to other powers and duties, they shall have appellate and final jurisdiction on all matters of dispute between said Department of Education and any applicant for aid under the provisions and terms of this Act, and until otherwise changed or directed all rules and regulations of the State Board of Education shall govern the disposition of all applications for aid under the provisions of this Act; and said committee shall have no authority to make any grant of aid except that authorized by this Act. In addition to the powers and duties herein authorized, said committee shall observe the administration of this Act and shall recommend to the Forty-seventh Legislature a bill in complete and detailed form setting up a permanent policy of this State in regard to affording equal educational opportunities to all children of scholastic age within this State, said members to be reimbursed for their actual and necessary expenses from the Contingent Fund of the House of the respective members for the actual and necessary expenses in performance of their duties as members of said committee on approval of the chairman of said Joint Legislative Advisory Committee and the chairman of the respective Contingent Expense Committee of each house, not to exceed Six Thousand (\$6,000.00) Dollars; provided that any unexpended balance occurring at the end of the year 1940 in any allocation may be transferred and added to the appropriation for the year ending August 31, 1941.

Sec. 2. Scholastic Population of the District. State aid under the provisions of this Act shall be distributed in such a way as to assist all school districts of not fewer than twenty (20) scholastics and not more than five hundred (500) scholastics, and

consolidated and/or rural high school districts which have an average of not more than two hundred (200) scholastics of each original district composing the consolidated and/or rural high school district unit; provided that the maximum limitations as to scholastic population herein set forth shall not apply for any type of aid to any school district which is nine miles (9) or more in length or contains forty-eight (48) square miles of territory or more, provided there is not located in such district an incorporated city or town having a population of more than thirty-six hundred (3,600) inhabitants, according to the last preceding Federal Census; if the budgetary needs of such school district coming within the provisions of this exception show a need therefor as provided in this Act. Provided that schools in sparsely settled counties may be exempt from the minimum restrictions of twenty (20) scholastics, as hereinafter defined; provided, however, that the Joint Legislative Advisory Committee may extend teacher aid not to exceed one, in common school districts of less than thirty-five (35) scholastics, where there is located in such school districts two school plants and when in such districts there are physical barriers between such school plants of such nature as to render it impractical to have one school plant, when such additional teacher is recommended by the Director of Equalization; provided that in such cases the district applying for aid shall be levying and collecting the limit of local tax support as provided by Section 6 of this Act.

Sec. 3. Distance Between Schools. No aid shall be granted to any school under the provisions of this Act which is located within two and one-half (2½) miles of another school of the same race, unless on account of the conditions of the roads and other physical features it is unreasonable and impracticable for the pupils to attend another school; provided that this restriction shall not apply to elementary schools in a consolidated and/or rural high school district nor to any district which at some previous election has voted to remove such conditions by consolidation; nor to any school district that has received State Aid for the preceding five (5) years when need is shown as provided in this Act.

**Sec. 4. Teacher-Pupil Load.** State aid under provisions of this Act shall be allotted upon the basis of one teacher for any number of scholastics from twenty (20) to thirty-five (35) and one (1) additional teacher for each additional thirty (30) scholastics, or fractional part thereof, residing in the district. It is expressly provided that in the event pupils are transferred into the district the excess fractional part thereof shall not be less than two (2) scholastics. The basis for calculation shall be the net scholastic enumeration of white or colored race, as the case may be, including the transfers into the district, and excluding the transfers out of the district, provided such transfers are from the districts eligible to receive aid under Section 6 of this Act, for the current year; and there shall be deducted all scholastics who have completed the course of study in their home school, as authorized by the County Board of Trustees, provided that where unusual or extraordinary conditions cause an actual increase in enrollment, an adjustment as to the number of teachers may be made by the State Superintendent on approval of said Joint Legislative Advisory Committee not to exceed the teacher-pupil load provided herein. A condition of unusual enrollment may be said to exist when and if the average daily attendance of a school reaches a point in excess of the net scholastics remaining in the district after transfer. Under no condition shall aid be granted for teachers in excess of the teacher-pupil load based on the average daily attendance for a period of at least five consecutive months; provided further that under no conditions shall aid be granted any district in excess of the number of teachers actually contracted for and employed; however, said committee may formulate for the second year of the biennium a schedule of expenditures for each school based upon the number of teachers employed as authorized herein, and shall also be authorized to increase the teacher-pupil load from thirty (30) to forty (40) after the employment of the fifteenth (15th) teacher on the teacher-pupil load provided herein, and shall further be authorized, if deemed advisable, to place all schedules of payment for the last year of the biennium on the net scholastics for such school districts for the year preceding.

**Sec. 5. Average Daily Attendance.** No school shall be granted salary aid under the provisions of this Act whose average daily attendance is less than sixty-five per cent (65%) of the scholastic census enrollment for either white or colored school. Provided, the provisions of this Act shall not apply to any school where there is any kind of epidemic of sickness, and such exemption may be allowed only when the facts are determined and certified to by the County or State Health Officer residing in the area affected. Districts where parochial schools are maintained are exempt from the provisions of this section.

**Sec. 6. Tax Levy.** No school district shall be eligible to receive aid under the provisions of this Act unless it shall be providing for the annual report of its schools by voting, levying, and collecting for the current year a local maintenance school tax, exclusive of the tax for interest and sinking fund for bonds, of not less than Fifty (50c) Cents on the One Hundred (\$100.00) Dollars of property valuation in the entire district; and providing further, that the property valuation shall not be less than said property is valued for State and county purposes. All income from a maintenance tax exceeding the required Fifty (50c) Cents maintenance tax may be used at the discretion of the local school authorities of the district for any lawful purpose. Any or all maintenance tax above Fifty (50c) Cents shall not be included in the calculation of need for aid.

**Sec. 7. Salary Schedule.** No part of the aid herein provided shall be used for increasing the monthly salary of any teacher, except as herein authorized, and funds provided for in this Act shall be used for the exclusive purpose of extending the length of the school term of the schools situated in the district receiving such aid on the basis of a schedule of teachers' salaries as determined by the State Board of Education for the school year 1938-39; and provided further that no salary shall be paid from this appropriation for more than nine (9) months except superintendents of accredited schools entitled to six (6) teachers or more under Section 4 of this Act, vocational agriculture teachers, Trades and Industries teachers and

vocational home economics teachers employed in salary aid schools.

Sec. 8. Length of Term. All schools of the unaffiliated class receiving aid shall provide a term of approximately eight (8) months. These schools shall be so classified by the County Board so as to provide as nearly as possible an eight (8) months term out of the State, county and local funds. Should these not be sufficient funds to maintain the schools as herein stated, then aid may be granted subject to all provisions of this Act. Should any school district eligible to receive aid under the provisions of this Act maintain a salary schedule in excess of the salary schedule as determined by the State Board of Education for the school year 1938-39, the amount of aid received by such school district shall be reduced by the amount of such excess.

Nothing in this Act shall be construed as forcing the consolidation of any schools, nor shall any aid be withheld from any school for its failure to consolidate.

Sec. 9. High School Tuition. It is hereby expressly provided that a sufficient amount of funds allocated by this Act shall be used for the payment of high school tuition not to exceed Seven Dollars and Fifty Cents (\$7.50) per pupil per month, and in no instance shall more than five (5) months tuition be paid for any one pupil on the census roll for any one school year. High school tuition shall be paid according to the provisions of House Bill No. 158, General Laws, Regular Session, Forty-Fourth Legislature, as amended, and subject to the limitations and restriction provided in this Act. In the event a receiving high school has its budget balanced with Salary Aid, there shall be deducted from the Salary Aid grant of such school any amount of tuition collected from sending districts, and all such collections shall be included in the revenue section of the State Aid application. Such revenues shall include the total tuition received for the preceding school year by such school districts. In no event shall any salary aid school receive tuition aid in an amount which, together with the salary aid granted, exceed the budgetary need as indicated by the approved State aid applications. It is further provided that high school tuition aid, as above set out, shall be granted for pupils transferred to out-

side high schools for the Waco State Home at Waco and the school district in which the State Training School for Boys is located at Gatesville, Texas, provided the aid so granted shall not exceed the per capita tuition charged other schools' transferred high school pupils by the high schools affected hereby. Provided further that in consolidated districts comprising nine hundred (900) square miles or more of territory the above limitations and restrictions shall not apply, but instead a straight tuition payment of Seven Dollars and Fifty Cents (\$7.50) per month per pupil shall be paid on all high school pupils enumerated in the consolidated district and living within the present boundaries of any territory annexed or otherwise consolidated to the central receiving high school. And providing further that high school tuition of not to exceed Two Dollars and Fifty Cents (\$2.50) per scholastic shall be granted for pupils in consolidated and rural high school districts composed of not less than three (3) original districts, and whose valuation is less than Fifteen Hundred (\$1,500.00) Dollars per scholastic population, and whose budget shows a need therefor, and that maintains an affiliated high school of not less than sixteen (16) units.

Sec. 10. Transportation Aid. The County Superintendent and County School Boards of the several counties of this State subject to approval of the State Director of Equalization in the Department of Education, are hereby authorized to set up the most economical system of transportation possible for the purpose of transporting both grade and high school pupils from their districts, and within their districts. The expense of such transportation shall be paid on the basis of budgetary need as indicated by approved State aid application, out of the funds herein allocated for transportation aid, not to exceed Two Dollars (\$2.00) per month per pupil for those attending the most convenient accredited high school and not more than One Dollar (\$1.00) per month per pupil for those transported to elementary schools; provided that if there be no convenient accredited high school, that such pupil may obtain like aid under the provisions of this section when attending any near high school of higher classification than the sending district when desig-

nated by the County Board, provided that all school districts containing one hundred (100) square miles of territory or more may receive Two Dollars (\$2.00) per month per pupil as transportation aid when there is a need shown therefor as provided herein and when same is recommended by the Director of Equalization and approved by the Joint Legislative Advisory Committee. In no instance may aid be granted for pupils transported who attend a grade in another school which grade is taught in such pupil's home district. Aid shall not be granted under any provision of this section unless the pupil so transported actually resides more than two and one-half (2½) miles from the school receiving such pupil. Provided further that only students eligible for transportation aid shall be permitted to ride school busses, and the County Board shall immediately discharge any operator of any school bus who permits any passenger other than the operator and students eligible to receive transportation aid to ride said busses. Provided further that no transportation aid shall be paid to privately owned busses except when approved by the County Board of Education and the State Director of Equalization.

Sec. 11. Allocation of Appropriation. All expenditures for costs of administering the various funds named in this Act shall be paid for out of the monies allocated in this Act, and such expenditures shall be the amounts and as authorized by the General Departmental Appropriation Bill for the current biennium as therein itemized and not otherwise, except as otherwise herein provided.

It is herein specifically provided that out of the money appropriated in Section 1 of this Act, the sum of Three Million, Seven Hundred Thirty-Five Thousand, Three Hundred Fifty-Seven (\$3,735,357.00) Dollars is hereby set aside for teacher salary aid; Seven Hundred Eighty-Two Thousand, Four Hundred Seventy-Seven (\$782,477.00) Dollars for high school tuition; Two Million, One Hundred Sixty Thousand, Three Hundred Seventy-Three Dollars (\$2,160,373.00) Dollars for Transportation Aid; each of the above named allocations being for each year of the biennium. There is also hereby set aside and allocated out of the appropriations made in Sec-

tion 1 hereof for each year of the biennium the following: the sum of One Hundred Twenty-Four Thousand, Two Hundred Seventy (\$124,270.00) Dollars for the administration of the Equalization Division in the Department of Education; the sum of Six Thousand, Seven Hundred and Fifty (\$6,750.00) Dollars for the School Plant Division in the Department of Education; the sum of Ten Thousand (\$10,000.00) Dollars for the Census Division in the Department of Education to be expended for seasonal labor in the checking of the census rolls, and the sum of Six Thousand, Six Hundred (\$6,600.00) Dollars to be used by the State Auditor's Department, as follows:

Accountant in charge of rural aid applications, Three Thousand (\$3,000.00) Dollars;

Junior Accountant, Eighteen Hundred (\$1,800.00) Dollars;

Junior Accountant, Eighteen Hundred (\$1,800.00) Dollars.

Sec. 12. Powers of the State Superintendent of Public Instruction and Joint Legislative Advisory Committee. It shall be the duty of the State Superintendent of Public Instruction, and he is hereby authorized, to take such action and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions and intentions of this Act subject to the approval of the Joint Legislative Advisory Committee created in this Act, and for the best interest of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Superintendent of Public Instruction to appoint the number of Deputy State Superintendents hereinafter authorized to make a thorough investigation, in person, of the grounds, building equipment, teaching staff, and financial condition of each school applying for aid; and no aid shall be given unless it can be shown that all provisions of this Act have been complied with, and that such amount of aid is actually needed. Provided, however, that no regulation of the State Superintendent, State Board of Education or Joint Legislative Advisory Committee shall conflict with any provisions of this Act or any present statute. Provided further, that the State Superintendent of Public Instruction shall appoint not to exceed

One (1) Director of Supervision

One (1) Director of Equalization  
 One (1) Director of Junior High Schools  
 One (1) Executive secretary of equalization  
 Twenty-four (24) Deputy State Superintendents  
 One (1) Secretary  
 Three (3) Stenographers  
 One (1) Librarian  
 One (1) Telephone Operator  
 Two (2) Accountants  
 Three (3) Bookkeepers  
 One (1) Porter  
 And extra and seasonal help, the cost of which shall not exceed \$1,200.00.

The twenty-four Deputy State Superintendents appointed hereunder shall reside in their respective supervisory districts. The salaries and traveling expenses of the herein named employees only shall be paid for out of monies herein appropriated, and no other salary or expenditures shall be paid from the appropriations of this Act. The Joint Legislative Advisory Committee shall cooperate, as aforesaid, with the State Superintendent of Public Instruction in carrying out the provisions of this Act, and in the event the appropriations and allocations made herein are insufficient to pay the total of all applications showing need, said committee shall reduce all applications pro rata so as to bring the aggregate of all applications approved within the appropriations and allocations herein made, and in order to accomplish this, said committee shall reduce the authorized expenditures of all schools applying for salary aid pro rata; shall extend the free time of all schools applying for tuition pro rata, and decrease the transportation aid of each scholastic transported pro rata, so as to bring the total salary aid, tuition aid, and transportation aid within the allocations hereinabove set forth.

Sec. 13. Application for Aid. The trustees of the schools authorized to apply for Aid under the provisions of this Act shall send to the State Superintendent of Public Instruction on forms provided by said authority a list of the teachers employed in the schools showing the monthly salary, experience, and training of each, together with an itemized statement of budgeted receipts and expenditures, the length of term, and such other information as may be required, and

the State Superintendent, under the direction of the Joint Legislative Advisory Committee may, subject to the provisions of this Act, grant to the school such an amount of this fund as will, with the State and County available funds, together with the local funds, maintain the school for a term not to exceed nine (9) months for classified or affiliated high schools and approximately eight (8) months for unaccredited high schools; provided that if the school has sufficient State and County available funds to maintain the school for an eight (8) months term according to the salary schedule adopted by the State Board of Education for the school year 1938-39 or with its local maintenance tax, to maintain the desired length of term, not to exceed nine (9) months, as provided in Section 8, it shall not be eligible to receive aid; provided further, that the county superintendent, subject to the approval of the State Superintendent of Public Instruction, shall approve all contracts with teachers, supervising officers, and bus drivers in all schools before such schools may be eligible to receive aid under any provisions of this Act. Provided, also, that all aid granted out of the funds herein provided shall be allotted only on the basis of need, based upon a proper budgeting of each district asking for any form of aid. The application shall be sworn to by the County Superintendent, president and secretary of the board of trustees of each of the schools applying for aid. All aid granted out of the funds provided shall be allotted only on the basis of need based upon an approved budget of each district asking for any form of aid, except as otherwise provided in this Act. All applications for aid authorized herein shall be on file with the State Department of Education not later than October 1 of each year of the biennium, and any school not filing such application before such date of each year shall not be eligible for aid for the current year and shall not be considered or approved for the type of aid applied for.

It is provided that no application for Aid shall be approved until all applications filed on or before October 1 of the current year have been considered; and provided further, each application shall, if the amount of money available is not sufficient to pay to all approved applications in

full, receive the same proportion of aid as every other approved application of like type of aid.

It is further provided, that the application for aid (including high school tuition) for any current year shall not be approved in an amount in excess of the amount of money available during such current year for all types of aid herein provided for. Even though the application for aid, on a basis of need shown exceeds the amount of money available during such current year for all types of aid, then each application shall be proportionately reduced so that the total of all approved applications for such current year will not exceed the amount of money available for said year for all types of aid, and neither the State Superintendent nor the Joint Legislative Advisory Committee shall make exceptions to this provision and shall proceed to perform this duty in conformity with Section 12 herein.

Sec. 14. Sparsely Settled Districts Defined. A sparsely settled district as referred to in Section 2 hereof and as herein defined is a school district within a county having less than one thousand four hundred (1,400) scholastics enumerated within all of such counties' common school districts and such districts having less than twenty (20) enumerated scholastics therein and such districts so defined when applying for aid and having, levying and collecting a tax as provided in Section 6 herein may be exempt from the minimum teacher-pupil load, and in no instance shall this exemption be extended or applicable to any district employing more than one (1) teacher; provided, however, the State Superintendent, with the consent of the Joint Legislative Advisory Committee, may grant aid for not more than one additional teacher for any common school district, if such application is approved before November 1 of the current year.

Sec. 15. Transfer of Entire District. On the agreement of the Board of Trustees of the districts concerned or on petition signed by a majority of the qualified voters of the district and subject to the approval of the county superintendent and State Superintendent, the trustees of a district which may be unable to maintain a satisfactory school may transfer its entire scholastic enrollment, or any number of grades thereof, to a convenient school of higher rank, and in

such event, all of the funds of the district, including the State aid to which the district would otherwise be entitled under the provisions of this Act, or such proportionate part thereof as may be necessary may be used in carrying out said agreement.

Sec. 16. Disbursement. Warrants for all money granted under the provisions of this Act shall be transmitted by the State Superintendent of Public Instruction, when the account for same has been audited by the State Auditor, to treasurers of Depositories of school districts to which aid is granted and approved in the same manner as warrants for State apportionments are now transmitted. The amount of money granted for each type of aid except high school tuition shall be set up as a separate account by the district receiving same and the disbursements from said accounts shall be made only for the specific purpose for which such money was granted. If the money in said fund is used for any purpose other than that for which allocated, then said district shall not be eligible to receive any type of aid for the succeeding year; and it shall be the duty of all treasurers of depositories to make annual itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act as herein directed not later than October 1 of each year. It shall also be the duty of each county school superintendent, and each secretary of the school board of an independent school district to file with said proper authorized authority, before October 1 of each year, a sworn account detailing the receipts and disbursements of all Rural Aid Funds, with correct cash balance on August 31, verified by the depository clerk. Failure to file such reports will make such district ineligible to receive aid for the ensuing year. It is provided that all unused obligated balances in Rural Aid Funds in any district on August 31, shall be returned to the State Treasurer and by him credited to the appropriation from which it came; provided, however, that the balances herein providing for the return of monies shall be subject to the obligations of districts holding claims against that fund and subject to re-apportionment of the obligation of the receiving district thereof.

Not later than January 15 of each



year, the State inspection of all Rural Aid Schools shall be completed. Initial payment by warrant of not more than fifty per cent (50%) of the total amount allotted to any one school shall then be made, and the final payments shall be made on a percentage basis to such schools in such a manner that all schools, whose applications for aid have been approved, so that each school will receive the same proportion of aid. After final payment is made, each district shall by August 31, of each year, file with the Director of Equalization a signed receipt acknowledging full payment of their approved claim and/or request. It is provided that any amount set aside for schools not having reached sixty-five per cent (65%) attendance shall be prorated among the schools eligible to receive aid on final payment.

Sec. 17. Duties of State Auditor's Department. The State Auditor's office is hereby directed to audit all applications for aid after same have been passed on by the Director of Equalization and when such application has been approved by said director, it shall then be the duty of the State Auditor to approve, or reject such application. Whenever there is difference between the State Auditor and the Department of Education, the Joint Legislative Advisory Committee shall adjust same on the request of either Department.

Sec. 18. Accrediting. All schools affected by this Act desiring to become accredited or affiliated by the State Department of Education shall make application upon a form to be furnished by the State Department of Education to the Deputy State Superintendent in whose district the school is located. The Deputy State Superintendent shall make his recommendation to the State Superintendent of Public Instruction who shall approve or reject said application, and no committee of any character whatsoever shall have any authority regarding said application.

Sec. 19. Counties Having No Governing School Board. In counties which constitute a single school district and in which there is no governing body designated as the county school board, the duties authorized by this Act to be performed by the county school board are hereby conferred upon the existing governing bodies of such districts, and all aid shall be granted on the basis of need

after proper budgeting, the same as herein provided.

Sec. 20. Federal Government Land Purchases. The State Superintendent, subject to the approval of the Joint Legislative Advisory Committee, shall take into consideration, in fixing allowances to school districts, any loss sustained by such district by reason of the Federal Government buying lands for National forests, and by reason of the location in said districts of University Lands, and the State Superintendent, as aforesaid, shall be authorized to make allocations to said districts by virtue of losses sustained by said districts by reason of Federal purchase of lands, the amounts to be fixed by the State Superintendent, as aforesaid, based upon existing facts and circumstances applicable to all other school districts, and in all exceptions provided herein the consent of the Joint Legislative Advisory Committee shall be first had and obtained. Provided that any school district sustaining losses by reason of the location in said district of University lands, shall be held to be in actual need. The State Superintendent, as aforesaid, shall make allocations to said districts by virtue of losses so sustained by said reasons, and the amounts to be fixed by the State Superintendent, as aforesaid, shall be based upon the amount of losses so sustained, basing said loss on the rate of tax and valuation used in said county for State and County purposes. It is expressly understood that any revenues received by said school districts by virtue of this section must be included as revenue in the budget before calculating a budgetary need for schools applying for salary aid.

Sec. 21. Miscellaneous Provisions. Rural schools accepting the provisions of this Act shall be entitled to share, subject to the limitations of this Act, in the distribution of State and County Available School Funds and in all other school funds as may herein be provided; provided, however, that no school or school district shall be denied aid for failure or refusal to buy any books, equipment, charts, and/or school supplies offered by any person, firm, or corporation unless the minutes of the State Board of Education of Texas show that said books, equipments, charts, and/or supplies were approved by a unanimous vote of said Board of Education.

And, it is further provided that it shall be the duty of the County Superintendent to receive and check all high school tuition applications to determine the following facts: age of the pupil, the district in which he was enumerated, the district in which he lives, the district in which he attends school, the grade in which the pupil is classified in the receiving district, the highest grade taught in the home district of the pupil, the amount of time the pupil was in actual attendance at the receiving school, and the rate and free time allowed the pupil by the receiving high school. When such application has been reviewed and checked as herein provided, same shall be properly certified to by such county superintendent, and the president and/or secretary of the school board of the sending district of the pupil, before said application is transmitted to the Director of Equalization at Austin, Texas, for his inspection, rejection, modification, or approval, and no such application shall be considered by the Director of Equalization or said Joint Legislative Advisory Committee unless same has been duly deposited with him, or it, at Austin, Texas, on or before June 15 of each year of the biennium; provided further that the officials of the sending district or the county superintendent shall furnish the superintendent or the Secretary of the School Board of the receiving school a copy of the budget required by the State Department for establishing the eligibility of the sending district for having the State pay tuition on its high school scholastics. Provided that, if an incorporated city, town or village is levying and collecting taxes for the support or benefit of its municipal school district in an amount not less than provided for in Section 6 of this Act, and/or for interest and sinking funds for bonds or other indebtedness issued or incurred for the direct benefit of such municipal school district, then, in any such event, such taxes so levied and collected by such incorporated city, town or village shall, for the purpose of this Act, be considered as taxes levied and collected by such school district.

Sec. 22. Allocations in Favor of Exceptions to the General Provisions Allocating Aid. All applications for salary aid coming within the general provisions of this Act, applications

for high school tuition aid coming within the general provisions of Section 9 of this Act, and all applications for transportation aid coming within the general provisions of Section 10 of this Act shall first be considered, and if approved in the manner authorized and directed herein, shall first be paid out of the appropriation made for each of the years of the current biennium in the manner and method herein directed, and said aid, if so granted, shall be first paid out of the appropriations and allocations herein made to an amount not exceeding one hundred per cent (100%) of the approved grant therefor, and all exceptions to the general law permitting and granting aid to the several school districts of this State shall be paid only if and when those approved applications coming within the general provisions of this Act have first been paid, and such exceptions shall then be allowed and admitted as approved, and upon approval they shall be paid out of such allocations remaining unexpended and then upon a pro rata per capita basis out of the funds remaining unexpended in each of the allocations herein made and not otherwise. And it shall be the duty of said Joint Legislative Advisory Committee to classify all applications which are exceptions to the general provisions allowing aid in this Act.

Sec. 23. Joint Legislative Advisory Committee. It shall be the duty of the Joint Legislative Advisory Committee and the State Superintendent of Public Instruction to pay by warrant not more than fifty (50%) per cent of the total amount allotted to any one school as an initial payment, and the remaining payments shall be made on a percentage basis to the schools in such manner and amounts that the total expenditures for any one year shall not exceed the total allocations appropriated for that year.

The Joint Legislative Advisory Committee and the State Superintendent of Public Instruction are hereby prohibited from paying any one or more schools its, or their, allotment in an amount greater, on a percentage basis, than is paid any other school. This provision shall apply to all allotments and claims and/or allocations of appropriations provided for in this Act.

It is specifically provided herein that the Joint Legislative Advisory

Committee and the State Superintendent of Public Instruction shall not pledge the State nor incur obligations against the rural aid fund in any amount or in any one year in excess of the amount herein appropriated, and it is the sense of the Legislature that the amounts herein allocated shall be in full of all amounts to be spent for the purpose contemplated by this Act for the period covered by this Act.

Sec. 24. Penalty Provision. Any district violating any of the provisions of this Act shall forfeit all rights of such aid and may be disqualified to receive any aid of any nature under any Section of this Act for the current year. Should any school which would otherwise be eligible to receive aid agree, or contract with teachers to pay a smaller monthly salary during the remainder of the terms following the granting of aid, provided out of local funds, than is paid out of State funds, then such school shall forfeit its rights to receive aid. Provided any census trustee who shall wilfully make any false report in his roll or summary shall forfeit the right of the district he serves to receive any amount of money that may be provided for in this Act.

It is specifically provided herein that the State Board of Education, State Superintendent of Public Instruction, or Joint Legislative Advisory Committee, or any agency charged with the responsibility of administering the funds hereby appropriated shall not pledge the State for any year in excess of the amount herein appropriated, and it is the sense of this Legislature that the amounts herein appropriated shall cover in full all amounts to be spent for the purpose contemplated by this Act for the period covered by this Act. Whoever violates this provision of this Section shall be deemed guilty of misdemeanor, involving official misconduct, and upon conviction thereof, shall be fined in a sum not less than Two Hundred (\$200.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, and shall be subject to removal from office.

Sec. 25. Other Penalties. It shall be unlawful for any county school superintendent or the superintendent or any common or independent school district, school teacher, county trustee, and/or district trustee or any

other person directly to use or promise to use, pay or promise to pay, any of the funds herein appropriated for the purpose of paying the salary and/or expense of any person or persons to maintain a lobby for any purpose. Violation of this provision shall forfeit the right or rights of the county or any school district in the county from participating in the funds herein appropriated.

Provided further that no financial aid shall ever be withheld from any school entitled to such aid under the provisions of this Act by virtue of an alleged deficiency in the certificates held by the teaching personnel of any such school on account of and/or by virtue of any regulation of the State Superintendent of Public Instruction, the Department of Education, the Board of Education, and/or the Joint Legislative Advisory Committee, unless such rule or regulation is expressly provided by statutes of this State.

Provided that the tax provisions and other inhibitions provided in said Act shall not apply to the school where the Alabama Indians attend school in Polk County, Texas.

Sec. 26. Should for any reason the Joint Legislative Advisory Committee fail or refuse to perform the duties herein imposed upon it, or should the duties, powers, and functions of said Joint Legislative Advisory Committee become inactive or unenforceable, then, and in that event, such duties as are herein imposed on said Joint Legislative Advisory Committee shall be performed by the State Board of Education the same as if said Committee had not been created or authorized.

Sec. 27. Repealing and Constitutional Clauses. All laws or parts of laws in conflict herewith are hereby repealed, and in the event any provision of this Act is declared unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Act shall nevertheless remain in full force and effect.

Sec. 28. Emergency Clause. The fact that many schools are in need of additional aid other than State per capita apportionment and local maintenance, and the public policy requires that proper provisions be made for the maintenance and support of the schools with as little delay as possible, and the further fact that considerable time is required in prepara-

tion for carrying out the terms of this Act, creates an emergency and an imperative public necessity that the Constitutional Rule, requiring bills to be read on three several days, be, and the same is hereby suspended, and this Act shall take effect and be in force from and after September 1, 1939, and it is so enacted.

#### Senate Concurrent Resolution 63

Senator Hardin offered the following resolution:

S. C. R. No. 63, Authorizing H. H. Friar et al. to sue the State in Nueces County, Texas.

Whereas, H. H. Friar, Joe Fallick, Harry Cohn, T. C. Cage and J. B. Cage are the owners in fee simple of a certain tract, piece and partial of land located in Nueces County, Texas, in what is known as the Rincon del Corpus Christi grant to Ramon de Ynojosa, the same being Demmit Island comprising and containing about 66 acres of land, more or less, and submerged acreage around Demmit Island totalling in all 1692 acres, more or less, in the waters of Corpus Christi Bay and the Laguna Madre and at the Junction of said waters of the Corpus Christi Bay and the Laguna Madre, and

Whereas, The State of Texas is asserting some claim to said land and property, and

Whereas, The claim of the State of Texas has placed a cloud upon the title of the alleged owners, and

Whereas, All of the witnesses of the said alleged owners are residents of Nueces County and the counties adjoining thereto, said witnesses being very old most of them being around 90 years of age and more, and

Whereas, Said witnesses are physically unable to travel a great distance to attend trial in court, now, therefore be it

Resolved, by the Senate, the House concurring, That H. H. Friar, Joe Fallick, Harry Cohn, T. C. Cage and J. B. Cage be, and they are hereby given permission to sue the State of Texas for the purposes of establishing the true ownership of the property hereinabove described and that said suit may be filed in any court of competent jurisdiction in Nueces County, Texas, and that services of citation in said cause may be had upon the Commissioner of the General Land

Office or upon the Attorney General in the State and that said citation shall be returned as in other civil actions and it is so resolved.

The resolution was read and was referred to the Committee on State Affairs.

#### Senate Concurrent Resolution 64

Senator Stone of Washington offered the following resolution:

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Washington County; and

Whereas, Blinn Memorial College, a Junior College supported by the taxpayers of Washington County, Texas, anticipates a large number of people attending athletic events to be held in the near future; and

Whereas, It will be necessary and important to said College and the taxpayers of Washington County, Texas, to fence the grounds where said athletic events will be held; and

Whereas, It would be a great accommodation to said College and the taxpayers of Washington County, Texas, if the State Highway Department were permitted to loan said College the discarded wire hereinabove mentioned for the purpose of fencing the grounds; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to Blinn Memorial College sufficient quantities of the discarded wire hereinabove mentioned for the purposes as hereinabove set out, said College to return such wire upon request of the State Highway Department, and it is so resolved.

The resolution was read and was referred to Committee on State Affairs.

#### Senate Bill 477 with House Amendments

Senator Burns called S. B. No. 477 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

**Yeas—31**

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

**Message from the House**

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, June 19, 1939.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 179. The following are conferees on the part of the House: Representatives Hardeman, Fuchs, Russell, Clark, Celaya.

The House has passed the following bills and resolution:

H. C. R. No. 179, Granting A. J. Clingan permission to sue the State of Texas.

S. B. No. 490, A bill to be entitled "An Act making an appropriation of Thirty Thousand Dollars (\$30,000), or so much thereof as may be necessary to aid and facilitate the work to be performed by the Red Bluff Water Power Control District; provided that said appropriation shall be a loan to be repaid to the State of Texas out of the first revenues received by said District; and declaring an emergency." (With amendments.)

The House has adopted the Conference Committee report on House Bill No. 926 by a vote of 106 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 231 by a vote of 91 ayes, 34 noes.

The House has adopted the Conference Committee report on House Bill No. 1104 by a vote of 111 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 1112 by a vote of 113 ayes, 1 no.

S. B. No. 320, A bill to be entitled "An Act making an appropriation out of any moneys in the State Treasury not otherwise appropriated for the Nueces River Conservation and Reclamation District, for each of the fiscal years ending August 31, 1940, and August 31, 1941, to aid said District in making the necessary surveys and preparing the necessary plans for its construction program and declaring an emergency."

S. B. No. 373, A bill to be entitled "An Act providing for the sale of public lands along the eastern boundary of the State of Texas and the western boundary of the State of Oklahoma; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1031, A bill to be entitled "An Act appropriating the sum of One Million, Two Hundred Seventy-eight Thousand, Nine Hundred Seventy-eight (\$1,278,978.00) Dollars as a supplement to the equalization appropriations for the biennium as passed by the Forty-fifth and Forty-sixth Legislatures, provided no school shall benefit hereunder that has paid its public funds to any person for securing legislative aid; providing the funds herein appropriated are to be expended in accordance with the provisions of this Act; providing the funds herein appropriated are to be prorated on percentage basis to those schools having had payments made on a percentage basis, to make the grants of teacher's salaries and of transportation aid, each as nearly as possible one hundred (100%) per cent; providing no school shall receive reimbursement which was not approved for payment prior to the passage of this Act, providing a penalty for violating the provisions of this Act; setting aside the sum of Eight Hundred Fourteen Thousand, Seven Hundred Sixty-nine (\$814,769.00) Dollars for salary aid; Four Hundred Sixty-three Thousand, Two

Hundred Nine (\$463,209.00) Dollars for transportation; One Thousand (\$1,000.00) Dollars for administration, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Senate Bill 285 with House Amendments

Senator Pace called S. B. No. 285 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Moffett moved the previous question on concurrence in the House amendments, and the motion was duly seconded.

The main question was ordered by the following vote:

#### Yeas—14

Beck	Stone
Hardin	of Galveston
Head	Stone
Kelley	of Washington
Moffett	Sulak
Moore	Van Zandt
Roberts	Weinert
Shivers	Winfield

#### Nays—12

Aikin	Hill
Brownlee	Lanning
Burns	Lemens
Collie	Metcalf
Cotten	Nelson
Graves	Small

#### Present—Not Voting

Pace	Spears
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#### Absent

Isbell	Redditt
Martin	

The Senate then concurred in the House amendments by the following vote:

#### Yeas—16

Collie	Martin
Graves	Moore
Hardin	Pace
Head	Roberts
Kelley	Shivers

Spears	Sulak
Stone	Van Zandt
of Galveston	Winfield
Stone	
of Washington	

#### Nays—14

Aikin	Lanning
Beck	Lemens
Brownlee	Metcalf
Burns	Moffett
Cotten	Nelson
Hill	Small
Isbell	Weinert

#### Absent

Redditt

#### Senate Resolution 99

Senator Brownlee offered at this time the following resolution:

Be it resolved by the Senate of Texas, That we express our confidence in the sincerity, honesty, and integrity of Governor W. Lee O'Daniel.

Signed: Brownlee, Shivers, Moore, Roberts, Weinert, Martin, Collie, Hardin, Stone of Washington, Isbell, Winfield, Kelley, Stone of Galveston, Van Zandt, Pace, Beck.

The resolution was read.

Senator Moore moved the previous question on the resolution, and the main question was ordered.

The resolution was adopted by the following vote:

#### Yeas—26

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

#### Present—Not Voting

Cotten	Nelson
Hill	Sulak

#### Absent

Head

**Conference Committee on S. B. 490**

Senator Winfield called S. B. No. 490 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

Senator Winfield moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Winfield, Kelley, Spears, Brownlee and Stone of Galveston.

**Senate Bill 465 with House Amendments**

Senator Nelson called S. B. No. 465 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—27

Aikin	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Metcalfe	Van Zandt
Moffett	Weinert
Moore	Winfield
Nelson	

Nays—1

Cotten

Absent

Beck  
Kelley

Martin

**Report of Conference Committee on Senate Bill 224**

Senator Weinert submitted at this time the following report of the Conference Committee on S. B. No. 224:

Austin, Texas,  
June 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. 224, have had the same under consideration and we recommend to the Senate and to the House of Representatives that such bill pass in the form attached hereto.

HARTZOG,  
WINFREE,  
DANIEL,  
GILMER.

On the part of the House.

WEINERT,  
BURNS,  
MOORE,  
SPEARS,  
METCALFE,

On the part of the Senate.

S. B. No. 224.

**A BILL****TO BE ENTITLED**

An Act granting and donating to each respective county of this State for a period of five (5) years, beginning with the taxable year 1940 one-half the State ad valorem taxes for general revenue purposes not heretofore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies; providing that taxes shall be levied, assessed and collected as now provided by law, authorizing the assessor or collector of taxes in each county to pay over to the county treasurer one-half ( $\frac{1}{2}$ ) of all moneys collected by him at the end of each month during the period of this donation, less amounts allowed by law for assessing and collecting the

same; providing that nothing in this Act shall amend, alter, modify or repeal any donation, grant or remission of taxes heretofore made to any county, city, town, village, precinct, political subdivision or municipal or quasi-municipal corporation; providing that if the donation, remission or grant to any such entity is as much as one-half the taxes so collected, this Act shall not be effective during the life of such donation, grant or remission heretofore made, but shall be effective after the expiration of such previously made remission, donation or grant; providing that if the donation, remission or grant of such entity be less than one-half the taxes, this Act shall remit the difference between the remission, grant or donation heretofore made and one-half the taxes collected in such area; provided that where a donation, remission or grant has been heretofore made in an area covering an area less than an entire county, this Act shall donate and grant one-half of the taxes collected in the county outside of such area for the life of this Act; providing that where taxes have been donated and granted heretofore to any authority, which donation and grant is contingent upon an allocation of a Federal grant, and is not yet effective, such donation and grant by the State heretofore made shall take precedence over the provisions of this Act to the extent of any conflict herewith; providing that the term, "donation, grant or remission heretofore made" shall include remissions, donations or grants made by the Regular Session of the Forty-sixth Legislature; providing that the taxes donated and granted by this Act shall be used by the county commissioners' courts for any purpose not inconsistent with the Constitution of Texas, including lowering the ad valorem tax rate for county purposes, constructing flood control works and improvements in said county, improvements to prevent soil erosion and soil conservation purposes, irrigation and drainage projects, reforestation and road building, conservation and utilization of water, projects sponsored by a county in cooperation with the Federal Works Progress Administration or its suc-

cessors, purchase of rights-of-way for public roads, general relief and charitable purposes, paying the interest and sinking fund on any outstanding bonded indebtedness of the county, assisting in the development of navigation, and any other purpose or purposes not specifically prohibited by the Constitution; authorizing the commissioners' courts to contract with the governing boards of any water authority or water improvement district to perform construction works for such river authority of water improvement district, or to set aside any part, or all, of the taxes herein donated and granted to such county, for the use of such river authority or water improvement district in retiring its bonded indebtedness, or carrying out any other purpose for which such district was created; declaring that the provisions of this Act are authorized under Sections 7 and 8 of Article 11, and Section 59 of Article 16, of the Constitution of the State of Texas; providing that if any section, subsection, paragraph, clause, sentence, or word of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining provisions of this Act, and this Legislature hereby declares that it would have passed such remaining portions despite such invalidity; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That for a period of five (5) years, beginning with the taxable year 1940, there is hereby donated and granted by the State of Texas to each respective county of this State, one-half of the State ad valorem taxes collected for general revenue purposes upon the property and from the persons in each respective county, except as hereinafter provided, including ad valorem taxes on the rolling stock belonging to railroad companies, which shall be ascertained and apportioned as now provided by law. The taxes hereby donated and granted shall be levied and assessed and collected as now provided by law, except that the Assessor and Collector of taxes in each respective county shall forward his reports to the Comptroller of Public Accounts as provided by law and shall pay over



to the Treasurer of the County one-half of all moneys collected by him at the end of each month and during the period covered by this donation, except such amounts as are allowed by law for assessing and collecting the same, and shall forward a duplicate copy of the receipt given him by the County Treasurer for said money to the Comptroller.

Sec. 2. Nothing in this Act shall amend, alter, modify, or repeal any donation, grant or remission of taxes heretofore made to any county, town, village, precinct, political sub-division, or municipal or quasi-municipal corporation.

If the donation, remission or grant to any such entity is as much as one-half ( $\frac{1}{2}$ ) the taxes so collected, then this Act shall not be effective as to the taxes collected in such area during the life of such donation, grant or remission heretofore made, but shall be effective after the expiration of such previously made remission, donation, or grant if such expires prior to the expiration of this Act.

If the donation, grant or remission to such entity be less than one-half ( $\frac{1}{2}$ ) the taxes, then as to such area, this Act shall remit the difference between the remission, grant or donation heretofore made and one-half ( $\frac{1}{2}$ ) the taxes collected in such area; and after the expiration of such grant, donation or remission heretofore made, if such expires prior to the expiration of this Act, this Act shall remit one-half ( $\frac{1}{2}$ ) the taxes collected in such area for the remainder of the life of this Act.

Where a donation, remission or grant has been heretofore made in an area which is less than the entire county, then this Act shall remit, donate and grant one-half ( $\frac{1}{2}$ ) the ad valorem taxes collected in such county outside of such area for the life of this Act.

In counties wherein taxes have been donated or granted heretofore to any authority, and which donation and grant is contingent upon an allocation of a Federal grant, and is not yet effective, such donation and grant by the State heretofore made shall take precedence over the provisions of this Act to the extent of any conflict herewith.

The term, "donation, grant or remission heretofore made" or words of similar import shall include re-

missions, donations or grants made by the Regular Session of the Forty-Sixth Legislature.

Sec. 3. The taxes donated and granted by this Act and collected in each respective county shall be used by the county commissioners' court of said county for any purpose permitted by and not inconsistent with the Constitution of Texas, including the following purposes: (a) lowering the ad valorem tax rate for county purposes; (b) constructing flood control works and improvements in said county; (c) for improvements to prevent soil erosion and for soil conservation purposes; (d) for irrigation and drainage projects; (e) reforestation and road building; (f) conservation and utilization of water; (g) for projects sponsored by a county in cooperation with the Federal Works Progress Administration or its successors; (h) for the purchase of rights-of-way for public roads; (i) for general relief and charitable purposes; (j) for paying the interest and sinking fund on any outstanding bonded indebtedness of the county; (k) for assisting in the development of navigation; (l) and for any other purpose or purposes not specifically prohibited by the Constitution.

Sec. 4. The commissioners' courts are further authorized, out of any of the taxes herein donated and granted to their respective counties, to contract with the governing board of any river authority or water improvement district, which may include all or any part of such county, to perform construction works for such river authority or water improvement district, or to set aside any part, or all, of the taxes herein donated and granted to such county, for the use of such river authority or water improvement district in retiring its bonded indebtedness, or for the use of such river authority or water improvement district in carrying out any other purpose or purposes for which such river authority or water improvement district was created.

Sec. 5. The intent and purpose of this Act are to donate to the respective counties of this State that part of the State ad valorem tax donated herein, levied, assessed and collected on the property and from the inhabitants of each respective county to be used by said counties for the purposes hereinbefore set out, and it is

hereby declared that the provisions of this Act are authorized under Sections 7 and 8 of Article 11 and Section 59 of Article 16 of the Constitution of the State of Texas.

Sec. 6. If any section, subsection, paragraph, clause, sentence, or word of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining provisions of this Act, and this Legislature hereby declares that it would have passed such remaining portions despite such invalidity.

Sec. 7. The fact that the various Legislatures of the State of Texas from time to time have donated and appropriated the State ad valorem taxes to a large majority of the counties of this State, together with donations and appropriations of said taxes to various cities, district and other political subdivisions for various reasons and various purposes, which unless said taxes are donated and granted for like improvements in those counties not heretofore receiving such aid and benefit from the State will create a discrimination and hardship on said counties and for the further fact that these counties not having heretofore received such donations and appropriations have, from time to time, been visited with public calamities of one kind or another, and the fact that said counties are in need of said funds for the purpose of making public improvements in said counties, such improvements being for state-wide purpose and benefit, create an emergency and an imperative public necessity demanding that the Constitutional Rule requiring bills to be read on three several days in each House, be suspended, and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, June 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. J. R. No. 45, Proposing an amendment to Article 8, Section 9, of the Constitution of the State of Texas by adding a new Section thereto to be known as Section 9-A; providing that the Commissioners' Court of Red River County, after a majority vote of the resident qualified electors owning taxable property therein, shall have the authority to levy a tax of not to exceed Twenty-five (25c) Cents on the One Hundred (\$100.00) Dollar valuation for a period not exceeding fifteen (15) years for the purpose of refunding the outstanding warrant indebtedness of the General Fund of the County by the issuance of bonds under the provisions of the general laws regulating the refunding of outstanding debts of the County; providing for the necessary proclamation; and appropriating funds to defray the expenses of the proclamation; publication and election.

The House has adopted the Conference Committee report on House Bill No. 257 by a viva voce vote.

The House has adopted the Conference Committee report on House Bill No. 256 by a viva voce vote.

The House has adopted the Conference Committee report on House Bill No. 255 by a viva voce vote.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Report of Conference Committee on House Bill 190

Senator Nelson called for the consideration at this time of the report of the Conference Committee on H. B. No. 190, heretofore submitted and printed in the Journal of June 13, 1939.

Question—Shall the report be adopted?

Senator Stone of Galveston moved the previous question on the report, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

Yeas—12

Brownlee	Martin
Head	Moffett
Kelley	Nelson

Roberts  
Small  
Spears

Stone  
of Galveston  
Van Zandt  
Winfield

Nays—18

Aikin  
Beck  
Burns  
Collie  
Cotten  
Graves  
Hardin  
Isbell  
Lanning  
Lemens

Metcalfe  
Moore  
Pace  
Redditt  
Shivers  
Stone  
of Washington  
Sulak  
Weinert

Absent

Hill

Senator Cotten submitted the following motion in writing:

Mr. President:

I move that the report of the Conference Committee on H. B. No. 190 be rejected and the committee be discharged and a new committee be appointed with instructions to strike out Section 6.

COTTEN.

Question—Shall the motion prevail?

#### Bills and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

S. B. No. 477, "An Act to amend Section 3 of House Bill 74, passed at this, the Regular Session of the Forty-sixth Legislature, so as to prescribe rules and regulations by which it may be established who are now licensed to practice law within this State within the meaning of said Section; and declaring an emergency."

S. B. No. 373, "An Act providing for the sale of public lands along the eastern boundary of the State of Texas and the western boundary of the State of Oklahoma; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 320, "An Act making an appropriation out of any moneys in the State Treasury not otherwise appropriated for the Nueces River Conservation and Reclamation District, for each of the fiscal years ending August 31, 1940, and August 31, 1941,

to aid said District in making the necessary surveys and preparing the necessary plans for its construction program and declaring an emergency."

H. C. R. No. 195, Authorizing the Enrolling Clerk of the House to correct the caption of House Bill No. 1078, making it conform to the body of the bill.

H. C. R. No. 196, Suspending the Joint Rules of the House and Senate so that the House may consider and pass the deficiency Rural Aid Bill for the 1938-1939 school year.

#### Messages from the Governor

A Secretary of the Governor was announced by the Doorkeeper and was recognized by the President, to present the following messages:

Austin, Texas,  
June 19, 1939.

To the Members of the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Chairman of the State Commission for the Blind (term ending January 1, 1941):

James A. Boddeker of Galveston, Galveston County.

To be Members of the State Commission for the Blind:

(Term ending January 1, 1943):

B. S. Payne of Carthage, Panola County.

(Term ending January 1, 1945):

W. H. Earl of Waco, McLennan County.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
June 14, 1939.

To the Members of the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the Board of Directors of the San Antonio River Canal and Conservancy District (six-year term beginning May 5, 1939):

J. C. Merchant of Floresville, Wilson County;

Reagan Houston of San Antonio, Bexar County;

B. B. McGimsey of San Antonio, Bexar County.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

The messages were read and referred to the Committee on Nominations of the Governor.

#### House Bill and Joint Resolution on First Reading

The following bill and joint resolution, received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. J. R. No. 45, to Committee on Constitutional Amendments.

H. B. No. 1031, to Committee on Finance.

#### Conference Committee on House Bill 1061

Senator Shivers called up from the President's table, for consideration at this time, the request of the House for a conference committee on H. B. No. 1061.

Senator Shivers moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Shivers, Burns, Head, Roberts and Moore.

#### Senate Concurrent Resolution 64

On motion of Senator Stone of Washington, and by unanimous consent, the regular order of business was suspended to permit consideration of S. C. R. No. 64 at this time.

The President laid before the Senate for consideration at this time:

S. C. R. No. 64, Authorizing Highway Department to lend certain discarded wire to Blinn College.

The resolution was adopted.

#### Recess

On motion of Senator Collie, the Senate, at 12:18 o'clock p. m., took recess to 2:00 o'clock p. m. today.

#### Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

#### Report of Standing Committee

Senator Moffett, by unanimous consent, submitted at this time the following report of the Committee on Constitutional Amendments:

Austin, Texas,  
June 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 45, "A Joint Resolution proposing an amendment to Article 8, Section 9, of the Constitution of the State of Texas by adding a new Section thereto to be known as Section 9-A; providing that the Commissioners Court of Red River County, after a majority vote of the resident qualified electors owning taxable property therein, shall have the authority to levy a tax not to exceed twenty-five cents on the one hundred dollar valuation for a period not exceeding fifteen years for the purpose of refunding the outstanding warrant indebtedness of the General Fund of the County by the issuance of bonds under the provisions of the general laws regulating all refunding of outstanding debts of the county; providing for the necessary proclamation; and appropriating funds to defray the expenses of the proclamation; publication and election,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Chairman.

#### House Bill 17 on Final Passage

On motion of Senator Small and by unanimous consent, the regular order

of business was suspended to permit further consideration of H. B. No. 17 at this time.

The President laid before the Senate on its final passage (the bill heretofore having been read third time):

H. B. No. 17, A bill to be entitled "An Act providing a title for the Act; providing the definition of certain words, terms and phrases; providing certain exemptions; providing any one act prohibited herein shall be a violation hereof; providing for the administration of the Act; providing certain procedure for securing real estate dealers' and real estate salesmen's licenses and for certain information to be supplied by applicant and requiring the recommendation of the applicant by three real estate owners; providing a partnership, association or corporation licensed under the Act can designate one of its members or officers to be licensed as a real estate dealer without additional charge and imposing certain restrictions; providing any member of partnership or officer of association or corporation not designated required to be licensed before acting as a real estate dealer and imposing restrictions, etc., and declaring an emergency."

With an amendment by Senator Cotten pending.

The amendment was adopted unanimously.

The bill was passed.

#### Record of Votes

Senators Burns, Beck, Cotten and Sulak asked to be recorded as voting "nay" on the passage of the bill.

#### House Concurrent Resolution 194

The following resolution, previously received from the House, was laid before the Senate:

H. C. R. No. 194, Relating to granting aid to counties included in the provisions of Senate Bill No. 89, passed by the Regular Session of the Forty-sixth Legislature.

The resolution was read; and on motion of Senator Burns and by unanimous consent, it was considered immediately and was adopted.

#### Senate Concurrent Resolution 65

Senator Kelley, by unanimous consent, offered at this time the following resolution:

Whereas, Senate Bill No. 320 passed both Houses of the Legislature at this, the Regular Session of the Forty-sixth Legislature; and

Whereas, Said Senate Bill No. 320, through error or oversight fails to provide that in case any word, clause, sentence, or part of said act shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said Senate Bill No. 320, but such invalidity shall be confined in its operation to the word, clause, sentence or part thereof directly declared invalid; now, therefore, be it

Resolved by the Senate, the House concurring, That in case any word, clause, sentence or part of said Senate Bill No. 320 shall for any reason be adjudged by any Court of competent or final jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said Senate Bill No. 320, but such invalidity shall be confined in its operation to the word, clause, sentence or part of said Senate Bill No. 320 directly declared invalid; and be it further

Resolved, That this resolution shall be in full force and take effect as and when said Senate Bill No. 320 takes effect, and it is so enacted.

The resolution was read; and on motion of Senator Kelley and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Senate Concurrent Resolution 66

Senator Moore, by unanimous consent, offered at this time the following resolution:

S. C. R. No. 66, Authorizing State Park Board to investigate feasibility of accepting certain tract of land for State park purposes.

Whereas, David G. Burnet was the First Provisional President of the Republic of Texas; and

Whereas, The home site of President Burnet is one of historic importance to the State of Texas; and

Whereas, The owner thereof is desirous of donating this home site to the State of Texas for a State Park; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the State Park Board is hereby directed to investigate the desirability of such site as a State Park, and if such Board finds such tract desirable, feasible, and practicable for a State Park, that it is authorized to accept such as a donation from the owner thereof.

Such tract is more particularly described as follows:

All that certain tract or parcel of land situated in Harris County, Texas, and described by metes and bounds as follows, to wit:

Beginning at the Northeast corner of Burnet Shores, a subdivision in the T. W. Tompkins tract out of the Nathaniel Lynch Survey, in Harris County, Texas, as shown by map of said subdivision recorded in Vol. 14, Page 8, of the Map Records of Harris County, Texas, said point being in the South line of Burnet Drive and in the South line of Oakland Estates, a subdivision adjoining Burnet Shores on the North;

Thence South 24° West along the dividing line between the Gladys Tompkins 148-acre tract and the John H. Crooker 74-acre tract a distance of 365 feet to point in North line of Hillcrest Lane;

Thence North 66° West a distance of 600 feet to point in Southeast boundary line of Gulf Pipe Line Company right-of-way;

Thence in a Northeasterly direction along the boundary line of said right-of-way a distance of 505 feet to point in the South line of Burnet Drive;

Thence South 66° East along the South line of Burnet Drive a distance of 291 feet to the place of beginning, and being known as the David G. Burnet Homesite tract and shown as reserved tract on map of said Burnet Shores which is recorded in Vol. 14, Page 8, of the Map Records of Harris County, Texas. Be it further

Resolved, That the Senate and House of Representatives of the State of Texas express its appreciation to the owner for generousness, high purposes and lofty motives in offering this property as a site for a State Park.

The resolution was read; and on motion of Senator Moore and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### House Concurrent Resolution 193

The following resolution, previously received from the House, was laid before the Senate:

H. C. R. No. 193, Granting Mrs. Woodie Spore permission to sue the State.

The resolution was read.

On motion of Senator Aikin, and my unanimous consent, the resolution was considered immediately.

Senator Aikin offered the following amendment to the resolution:

Amend H. C. R. No. 193 by adding a new paragraph just above the resolving clause as follows:

"However, it is to be understood that the purpose of this resolution is to grant permission to said Mrs. Woodie Spore to bring suit against the State of Texas, and no admission of the liability of the State is made by this resolution, and the alleged facts as set out above shall be subject to proof in the court."

And also amend said resolution by taking the "now, therefore, be it" in the last Whereas clause and put it at the end of the above inserted paragraph.

The amendment was adopted.

The resolution as amended was adopted.

#### House Concurrent Resolution 190

The following resolution, previously received from the House, was laid before the Senate:

H. C. R. No. 190, Granting Mrs. V. E. Howard permission to bring suit against the State of Texas and the State Highway Department.

The resolution was read; and by unanimous consent, it was considered at this time, and was adopted.

(President Pro Tempore Moore in the Chair.)

#### House Concurrent Resolution 171

The following resolution, previously received from the House, was laid before the Senate:

**H. C. R. No. 171, Authorizing the Metropolitan Building and Loan Association, et al, to sue the State.**

The resolution was read; and on motion of Senator Weinert and by unanimous consent, it was considered immediately.

The resolution was adopted.

**House Concurrent Resolution 179**

The following resolution, previously received from the House, was laid before the Senate:

**H. C. R. No. 179, Granting A. J. Clingan permission to sue the State.**

The resolution was read; and on motion of Senator Shivers and by unanimous consent, it was considered immediately.

Senator Shivers offered the following amendment to the resolution:

Amend H. C. R. No. 179 by Kinard by adding a new paragraph just above the resolving clause as follows:

"However, it is to be understood that the purpose of this resolution is to grant permission to said A. J. Clingan, a minor, to bring suit against the State of Texas and/or the National Guard of the State of Texas, through his next best friend Leroy Clingan (his father); and no admission of the liability of the State is made by this resolution, and the alleged facts as set out above shall be subject to proof in the court."

And also amend said resolution by taking the "now, therefore, be it" in the last Whereas clause and put it at the end of the above inserted paragraph.

The amendment was adopted.

The resolution as amended was adopted.

**Report of Conference Committee on House Bill 1061**

Senator Shivers, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
June 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House on House Bill No. 1061, have met and beg leave to recommend that said House Bill No. 1061 be passed in the form hereto attached.

Respectfully submitted,

SHIVERS,  
MOORE,  
ROBERTS,  
BURNS,  
HEAD,

On the part of the Senate.

CLARK,  
KINARD,  
CLEVELAND,

On the part of the House.

By Clark.

H. B. No. 1061.

**A BILL**

**TO BE ENTITLED**

An Act providing amount of payment to the Executive Committee in order to have the name placed on official ballot for Representative and Floterial Representative and Floterial Representative No. 2 in certain counties; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That from and after the effective date of this Act, in all counties in this State having a population of not less than one hundred and thirty-three thousand, three hundred and ninety-one (133,391), and not more than one hundred and fifty thousand (150,000), and in all counties in this State having a population of not less than fifteen thousand, one hundred and forty-nine (15,149) and not more than fifteen thousand, five hundred and twenty-five (15,525), according to the last preceding Federal Census, no person who is a candidate in a primary election of such counties, for nomination for State Representative, shall have his or her name placed on the primary ballot to be voted on at any election unless and until he or she has paid to the County Executive Committee of the political

party, whose nomination he or she seeks, the sum of One Hundred Dollars (\$100); provided, however, that where said counties are a part of a Floterial Representative District, the Floterial Representative in such counties shall not have his or her name placed on the official ballot for Floterial Representative unless and until he or she shall have paid to the Chairman of the County Executive Committee of the political party, whose nomination he or she seeks, the sum of One Hundred Dollars (\$100) in each of said counties, provided, further, that in any counties in this State having a population of not less than fourteen thousand, eight hundred and fifty (14,850), and not more than fourteen thousand, nine hundred and twenty (14,920), and in all counties in this State having a population of not less than thirty-one thousand (31,000), and not more than thirty-one thousand, eight hundred (31,800), according to the last preceding Federal Census, and where such counties have two (2) Floterial Representatives, the Floterial Representative place No. 2 shall not have his, or her, name placed on the primary ballot to be voted on at any election, unless and until he, or she, has paid to the Chairman of the Democratic Executive Committee of the political parties whose nomination he, or she, seeks, the sum of Twenty-five Dollars (\$25) in each county coming under the last two (2) brackets in this Act.

Sec. 2. All laws and parts of laws in conflict herewith are repealed to the extent of the conflict only.

Sec. 3. The fact that the Executive Committee in some of the counties embraced within this Act, do not have the right to assess a fee in excess of One Dollar (\$1) against candidates for Representative in the State Legislature, and the fact that this fee is inequitable compared with the fees charged candidates for other offices create an emergency and an imperative public necessity that the Constitutional Rule requiring that all bills be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after the date of its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, June 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the free conference committee report on Senate Bill No. 427 by a viva voce vote.

The House has concurred in Senate amendments to House Bill No. 1108 by a vote of 130 yeas, 0 noes.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 490. The following are appointed on part of the House: Goodman, Leyendecker, Celaya, Cauthorn, Leonard.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Report of Conference Committee on House Bill 190

The Senate resumed consideration of the report of the Conference Committee on H. B. No. 190, relative to making, etc., a check against a bank account in which there are not sufficient funds to pay said check, with motion by Senator Cotten to re-commit the report, etc., pending.

Senator Nelson moved the previous question on the motion and the adoption of the report, and the motion for the previous question was duly seconded.

Senator Burns called for a division of the question.

The main question was ordered on the motion of Senator Cotten by the following vote:

Yeas—14

Beck	Nelson
Graves	Roberts
Head	Small
Hill	Spears
Kelley	Stone
Lemens	of Washington
Martin	Winfield
Moffett	



## Nays—11

Aikin	Metcalf
Burns	Moore
Collie	Pace
Cotten	Van Zandt
Hardin	Weinert
Lanning	
Absent	
Isbell	Stone
Redditt	of Galveston
Shivers	Sulak

## Absent—Excused

Brownlee

The main question then was ordered on the adoption of the report by the following vote:

## Yeas—16

Beck	Nelson
Graves	Roberts
Head	Shivers
Hill	Small
Kelley	Spears
Lemens	Stone
Martin	of Washington
Metcalf	Van Zandt
Moffett	Winfield

## Nays—11

Aikin	Lanning
Burns	Moore
Collie	Pace
Cotten	Sulak
Hardin	Weinert
Isbell	

## Absent

Redditt	Stone
	of Galveston

## Absent—Excused

Brownlee

Senator Collie asked unanimous consent that the motion of Senator Cotten be amended so as to require that Section 2 of the bill be deleted from the bill to be recommended by the new committee.

The President Pro Tempore announced there was objection to the request.

Senator Metcalfe called for a division of the question on the motion of Senator Cotten.

Question then first recurring on that part of the motion requiring only that the report be recommitted to a new committee, yeas and nays were demanded.

The part of the motion requiring only the recommitment to a new committee was lost by the following vote:

## Yeas—11

Aikin	Metcalf
Burns	Pace
Collie	Small
Cotten	Sulak
Hardin	Weinert
Lanning	

## Nays—15

Beck	Roberts
Graves	Shivers
Head	Spears
Hill	Stone
Kelley	of Galveston
Lemens	Stone
Martin	of Washington
Moore	Winfield
Nelson	

## Absent

Moffett	Van Zandt
Redditt	

## Paired

Senator Isbell (present), who would vote "yea" with Senator Brownlee (absent), who would vote "nay."

The portion of the motion of Senator Cotten relative to the deletion of a certain section of the bill, then became moot.

Question next recurring on the report, yeas and nays were demanded.

The report was adopted by the following vote:

## Yeas—19

Aikin	Nelson
Beck	Roberts
Graves	Shivers
Head	Small
Hill	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Metcalf	Winfield
Moore	

## Nays—9

Burns	Redditt
Collie	Sulak
Cotten	Van Zandt
Hardin	Weinert
Pace	

## Absent

Moffett

**Paired**

Senator Isbell (present), who would vote "nay" with Senator Brownlee (absent), who would vote "yea."

**Message from the House**

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, June 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 17 and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House: Boyer, Bradford, Hardeman, Donaghey, Piner.

Respectfully submitted,  
E. R. LINDLEY,

Chief Clerk, House of Representatives.

**Report of Conference Committee on House Bill 1061 Withdrawn**

Senator Shivers asked unanimous consent that the vote by which the report of the conference committee on H. B. No. 1061 was adopted be reconsidered and that the report be withdrawn.

There was no objection offered, and it was so ordered.

**Leave of Absence Granted**

Senator Brownlee was granted leave of absence for the remainder of today, on account of important business, on motion of Senator Isbell.

**Report of Conference Committee on House Bill 1104 Adopted**

Senator Sulak moved that the report of the conference committee on H. B. No. 1104, heretofore submitted, be adopted.

The motion prevailed by the following vote:

Yeas—30

Aikin

Beck

Burns  
Collie  
Cotten  
Graves  
Hardin  
Head  
Hill  
Isbell  
Kelley  
Lanning  
Lemens  
Martin  
Metcalf  
Moffett  
Moore

Nelson  
Pace  
Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

**Absent—Excused**

Brownlee

**Message from the House**

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, June 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to adopt the conference committee report on H. B. No. 1061 and requests the appointment of a new conference committee to adjust the differences between the two Houses. The following have been appointed on part of the House: Hartzog, McNamara, Montgomery, Clark, Boyer.

The House has concurred in Senate amendments to H. C. R. No. 193 by a viva voce vote.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

**Bills Signed**

The President Pro Tempore signed, in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 1078, "An Act amending Sections 1 and 3 of Article 1105B of the 1925 Revised Civil Statutes of Texas, enacted by Acts of the First Called Session, Fortieth Legislature, 1927, page 489, Chapter 106; authorizing incorporated cities, towns, and villages incorporated under either General or Special Law, including

those operating under a special charter adopted pursuant to the home rule provisions of the Constitution, or any amendment or amendments thereto, to cause to be improved streets, avenues, alleys, highways, boulevards, drives, public places, squares, or any portion or portions thereof; to assess part of the cost against abutting property and owners thereof and against railroads, street railroads, or interurbans and the owners thereof, so that such improvements and assessments may be made although such streets, avenues, alleys, highways, boulevards, drives, public places, squares, or any portion or portions thereof lie without the corporate limits of such cities, towns, and villages, if that part to be improved lies immediately adjacent to and adjoins such corporate limits, and although the property abutting thereon is located outside such corporate limits; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 285, "An Act to amend Section 1 of Chapter 210, H. B. No. 253, Acts of the Regular Session of the Forty-first Legislature, 1929; as amended by Section 1, Chapter 142, H. B. No. 4, Acts of the Regular Session of the Forty-fourth Legislature, 1935; as amended by Section 1, Chapter 167, H. B. No. 87, Acts of the Regular Session of the Forty-fifth Legislature, 1937; empowering the State Board of Education to adopt by a vote of six of its members a multiple list of textbooks in German, Czech, and French languages, for use in public high schools; and by a vote of six of its members to adopt, for use in the public high schools, a multiple list of textbooks in the English language in each of the subjects of commercial arithmetic, bookkeeping, and typewriting; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

S. B. No. 33, "An Act to require all purchasers of trees and timber, or either of them, in the form of logs, staves, shingles, pulp wood, or any of them to obtain a bill of sale therefor from the seller, providing what shall be contained in such bill of sale; providing penalties for violation of this Act, and declaring an emergency."

#### Report of Conference Committee on House Bill 363 Adopted

Senator Shivers called for the consideration at this time of the report of the Conference Committee on H. B. No. 363, which report was submitted on June 13, 1939, and printed in the Senate Journal of that day.

The President Pro Tempore laid the report before the Senate.

Question — Shall the report be adopted?

Senator Lanning submitted the following motion in writing:

Mr. President: I move that the conference report on H. B. No. 363 be rejected and that a new conference committee be appointed with instructions to strike out Section 3 of the report.

Yeas and nays were demanded, and the motion of Senator Lanning was lost by the following vote:

#### Yeas—7

Collie	Lemens
Hill	Martin
Isbell	Metcalf
Lanning	

#### Nays—18

Aikin	Redditt
Burns	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Kelley	Stone
Moffett	of Washington
Moore	Weinert
Pace	Winfeld

#### Absent

Beck	Sulak
Nelson	Van Zandt
Small	

#### Absent—Excused

Brownlee

Question then recurring on the report, it was adopted.

#### Record of Vote

Senator Hill asked to be recorded as voting "nay" on the adoption of the report.

**Senate Bill 493 on Second Reading**

On motion of Senator Metcalfe and by unanimous consent, the regular order of business was suspended to permit consideration of S. B. No. 493 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 493, A bill to be entitled "An Act amending Section 17A of Chapter 126 of the Acts of the Regular Session of the Forty-fourth Legislature, as amended by Senate Bill 21, the same being Chapter 505 of the Acts of the Third Called Session of the Forty-fourth Legislature; and declaring an emergency."

The bill was read second time.

Senator Metcalfe offered the following amendment to the bill:

Amend S. B. No. 493, page 1, line 16, by striking out the word "Second" and insert in lieu thereof the word "Third" and amend the caption to conform.

The amendment was adopted.

The bill was passed to engrossment.

**Senate Bill 493 on Third Reading**

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 493 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

**Absent—Excused**

Brownlee

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**House Bill 426 on Passage to Third Reading**

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended to permit further consideration of H. B. No. 426 at this time.

The President Pro Tempore laid before the Senate on its passage to third reading (the bill heretofore having been read second time):

H. B. No. 426, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted by the Governor during the fiscal years beginning September 1, 1936 and ending August 31, 1938, and declaring an emergency."

Senator Roberts offered the following amendment to the bill:

Amend H. B. No. 426 by striking out the following language and figures on page 2: "John Tarleton Agricultural College, Buildings and Improvements 71,726.09" and changing the total on page 3 to conform.

The amendment was adopted.

The bill was passed to third reading.

**House Bill 426 on Third Reading**

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 426 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Head
Beck	Hill
Burns	Isbell
Collie	Kelley
Cotten	Lanning
Graves	Lemens
Hardin	Martin

Metcalfe	Spears
Moffett	Stone
Moore	of Galveston
Nelson	Stone
Pace	of Washington
Redditt	Sulak
Roberts	Van Zandt
Shivers	Weinert
Small	Winfield

Absent—Excused

Brownlee

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Aikin	Redditt
Beck	Roberts
Graves	Shivers
Head	Small
Isbell	Spears
Lanning	Stone
Lemens	of Washington
Martin	Sulak
Metcalfe	Van Zandt
Moore	Weinert
Nelson	Winfield
Pace	

Nays—5

Burns	Hardin
Collie	Moffett
Cotten	

Absent

Hill	Stone
Kelley	of Galveston

Absent—Excused

Brownlee

**Motion to Take Up House Bill 706**

Senator Stone of Washington moved that the regular order of business be suspended to permit consideration of H. B. No. 706 at this time.

The motion was lost by the following vote:

Yeas—8

Lanning	Stone
Lemens	of Washington
Moore	Sulak
Pace	Weinert
Roberts	

Nays—16

Aikin	Beck
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Burns	Martin
Collie	Moffett
Cotten	Nelson
Graves	Redditt
Head	Spears
Isbell	Van Zandt
Kelley	Winfield

Absent

Hardin	Small
Hill	Stone
Metcalfe	of Galveston
Shivers	

Absent—Excused

Brownlee

**Bills Signed**

The President Pro Tempore signed, in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 1112, "An Act to provide that out of taxes remitted by the State of Texas to certain counties certain sums shall be used for the purpose of acquiring and improving land for State Parks, and declaring an emergency."

H. B. No. 231, "An Act to protect trade-mark owners, distributors and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand, or name, and to facilitate fair trade; defining certain terms; providing a saving clause, and declaring an emergency."

**House Bill 344 on Passage to Third Reading**

(President in the Chair.)

Senator Head moved that the regular order of business be suspended and H. B. No. 344 be laid before the Senate on its passage to third reading.

The motion prevailed by the following vote:

Yeas—18

Aikin	Moffett
Graves	Nelson
Head	Pace
Isbell	Redditt
Kelley	Roberts
Lanning	Shivers
Lemens	Small
Metcalfe	Spears

Stone  
of Galveston      Sulak  
Winfield

## Nays—7

Burns      Stone  
Collie      of Washington  
Cotten      Van Zandt  
Moore      Weinert

## Absent

Beck      Hill  
Hardin      Martin

## Absent—Excused

Brownlee

The President laid before the Senate, on its passage to third reading (the bill having been read second time on Tuesday, May 23, 1939):

H. B. No. 344, A bill to be entitled "An Act defining publication, newspaper, political sub-division, district and certain mandatory expressions; designating persons to select newspapers in which publications are to be inserted; fixing a minimum and a maximum charge for publications in newspapers; providing for the publication of notices, proclamations, advertising, and citations in newspapers; repealing conflicting provisions of Articles 3, 29, 1154, 3311, 3334, 3808, 4204, 7206, 7276, 7342 and 7624 of the Revised Civil Statutes of Article 4115 of the Revised Civil Statutes as amended by Acts of 1935, Forty-fourth Legislature, Chapter 254, Section 1, of Acts of 1925, Thirty-ninth Legislature, Chapter 161, Sections 2 through 6, of Acts of 1933, Forty-third Legislature, First Called Session, Chapter 84, Section 1, and of Acts of 1937, Forty-fifth Legislature, Chapter 506; repealing all parts of laws in conflict; providing a rule of construction, and declaring an emergency."

Senator Weinert moved to table the bill.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

## Yeas—7

Burns      Pace  
Cotten      Van Zandt  
Martin      Weinert  
Moore

## Nays—16

Aikin      Roberts  
Beck      Shivers  
Graves      Small  
Head      Spears  
Kelley      Stone  
Lanning      of Galveston  
Lemens      Sulak  
Metcalf      Winfield  
Nelson

## Absent

Collie      Moffett  
Hardin      Redditt  
Hill      Stone  
Isbell      of Washington

## Absent—Excused

Brownlee

Question—Shall the bill be passed to third reading?

## Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, June 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 199, Granting permission to the District Judges of the Counties of Dallas, Harris, Bexar, Tarrant, and Ellis to leave the State sometime during the years 1939 and 1940 on personal business and to take a vacation.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

## Bill Signed

The President signed, in the presence of the Senate, after its caption had been read, the following enrolled bill:

S. B. No. 465, "An Act authorizing the Board of Directors of Texas Technological College at Lubbock, Texas, to select and lease a tract of land upon the campus of said college to the Texas National Guard Armory Board for purpose of erecting thereon

an armory and other buildings to be used by Texas National Guard under provisions of Senate Bill No. 326, enacted by Regular Session of the Forty-sixth Legislature, approved May 1, 1939; provided terms of such lease contract; authorizing Board of Directors of said college to select and set aside tract of land on said campus not in excess of ten (10) acres to be used by Texas National Guard as drill ground; authorizing said Board of Directors of said college to permit Texas National Guard, and any subdivision thereof, ingress upon said campus and egress therefrom for purpose of going to and from such armory, other buildings and drill grounds; providing a saving clause; and declaring an emergency."

#### Hour for Executive Session

On motion of Senator Shivers and by unanimous consent, the Senate agreed to hold an executive session tomorrow at 3:00 o'clock p. m. to consider nominations of the Governor.

#### Conference Committee on House Bill 17

Senator Small called up from the President's table, for consideration at this time, the request of the House for a conference committee on H. B. No. 17.

Senator Small moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Small, Cotten, Graves, Burns and Shivers.

#### Adjournment

Senator Pace moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow:

The motion prevailed; and the Senate, accordingly at 5:20 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### APPENDIX

#### Reports of Committees on Enrolled and Engrossed Bills

Austin, Texas,  
June 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 347 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 320 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 373 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 477 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 285 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 33 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 465 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
June 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 64 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
June 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 493 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

#### EIGHTY-NINTH DAY

(Tuesday, June 20, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent—Excused

Brownlee

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leave of Absence Granted

Senator Brownlee was granted leave of absence for this morning on account of important business, on motion of Senator Winfield.

#### Senate Resolution 100

Senator Van Zandt offered the following resolution:

Whereas, The Texas Bar Association has made its plans to hold its fifty-eighth Annual Convention here in the City of Austin, June 29, 30 and July 1; and

Whereas, A number of the members of said Association are desirous that the general sessions of the Convention be held in the Senate Chamber; therefore, be it

Resolved by the Senate of Texas, That an invitation is hereby extended to the Texas Bar Association to hold its Annual Convention in the Senate Chamber on June 29, 30 and July 1, 1939, and that a copy of this resolution be sent to Hon. Ben H. Powell, the President of such Association.

The resolution was read; and by unanimous consent, it was considered immediately and was adopted.

#### Senate Concurrent Resolution 67

Senator Moffett offered the following resolution:

Whereas, The United States Government has recently and successfully tried a "stamp" plan of free distribution of certain surplus food commodities in several cities of the United States whereby a certain proportion of surplus food commodities are given free to relief clients by means of a "stamp" plan, with each weekly pay check, thereby diminishing an accumulated surplus of certain food commodities, to the benefit of people who sorely need them, all without disruption of the ordinary channels of trade and with the minimum cost and expense to the Federal Government; and